



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,032	01/29/2004	Alastair Michael Slater	1509-481	2436

22429 7590 06/28/2006

LOWE HAUPTMAN BERNER, LLP  
1700 DIAGONAL ROAD  
SUITE 300  
ALEXANDRIA, VA 22314

EXAMINER

MASDON, DAVID T

ART UNIT PAPER NUMBER

2188

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/766,032

Applicant(s)

SLATER ET AL.

Examiner

David Masdon

Art Unit

2188

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-69 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The claims were misnumbered because of the following: claim 58 is improperly dependent on claim 44. Claim 58 has been re-labeled to be dependent on claim 54, and should be noted for the rest of review of this action.

### ***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-10, 33, 54-58, drawn to establishing whether there is match between characteristic or derivative of, classified in class 711, subclass 154.
  - II. Claims 11-30, drawn to identifying content upon request to be stored and taking appropriate action, classified in class 711, subclass 154.
  - III. Claims 31-34, 38-44, 45-51 drawn to a reference library and processor to evaluate content and obtaining a signature or fingerprint, classified in class 711, subclass 15.
  - IV. Claims 35-37, drawn to a network attached file server capable of producing a report, classified in class 711, subclass 154.
  - V. Claims 52-53 drawn to drawn to rules dependent upon the user identity and a network link to a 3<sup>rd</sup> party, classified in class 711, subclass 163.
  - VI. Claims 60-62, drawn to information correlating a plurality of data records and access authority parameters, classified in class 711, subclass 163.

- VII. Claims 63-64, drawn to evaluating requests for a storage and generate billing relating to user, classified in class 711, subclass 154.
- VIII. Claims 65-68, drawn to a memory controller evaluating selected data content and an adapting control processor, classified in class 711, subclass 154.
- IX. Claim 69, drawn to control processor taking an action in response to a positive comparison, classified in class 711, subclass 154.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I, II, III, IV, V, VI, VII, VIII and IX are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, invention I has separate utility from inventions II-IX such as including a content evaluating buffer memory. Invention II has separate utility from inventions III-IX such as identifying content to be stored and taking action. Invention III has separate utility from invention IV-IX such as containing a separate reference library. Invention IV has separate utility from invention V-IX such as having a network attached file server that can produce a report. Invention V has separate utility from invention VI-IX such as containing a network link to a 3<sup>rd</sup> party and rules dependent on a user identity. Invention VI has separate utility from invention VII-IX such as containing access authority parameters. Invention VII has separate utility from invention VIII-IX such as generating billing relating

to a user. Invention VII has separate utility from invention IX such as a control processor taking responses based on a positive comparison. See MPEP § 806.05(d).

4. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, and the inventions require a different field of search (see MPEP § 808.02), and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

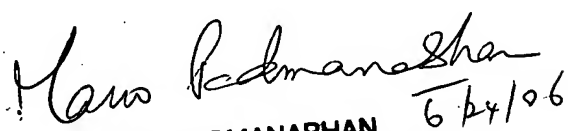
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Masdon whose telephone number is (571)272-6815. The examiner can normally be reached on Monday - Friday, 7am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (571)272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2188

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DM  
Friday, June 23, 2006

  
MANO PADMANABHAN  
SUPERVISORY PATENT EXAMINER  
6/24/06